



August 25, 1999

Mr. Ronald J. Neiman
Neiman & Barnes, L.L.P.
Attorneys at Law
P.O. Box 777
Lewisville, Texas

OR99-2406

Dear Mr. Neiman:

You have asked whether certain information is subject to required public disclosure under the Public Information Act, chapter 552 of the Government Code. Your request was assigned ID# 128772.

You assert that the requested information is excepted from disclosure based on section 552.108 of the Government Code. Section 552.108 of the Government Code states that information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime is excepted from required public disclosure "if release of the information would interfere with the detection, investigation, or prosecution of crime." Gov't Code § 552.108(a)(1). You inform us that the requested information pertains to a pending case. We therefore believe that the release of the information "would interfere with the detection, investigation, or prosecution of crime." *Id.*

However, section 552.108 is inapplicable to basic information about an arrested person, an arrest, or a crime. Gov't Code § 552.108(c). We believe such basic information refers to the information held to be public in *Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Thus, with the exception of the basic front page offense and arrest information, you may withhold the requested information from disclosure based on section

552.108(a)(1). We note that you have the discretion to release all or part of the remaining information that is not otherwise confidential by law. Gov't Code § 552.007.

Sincerely,

A handwritten signature in black ink, appearing to read "William Walker", with a stylized, cursive script.

William Walker
Assistant Attorney General
Open Records Division

WMW/nc

Ref: ID# 128772

Encl. Submitted documents

cc: Mr. Joseph Brown
11829 Garrett
Carrollton, Texas 75010
(w/o enclosures)